

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

JESSE NIETO,

Plaintiff,

v.

COLONEL RICHARD FLATAU, JR.,
USMC, in his official capacity as
Commanding Officer, Marine Corps
Base, Camp Lejeune, North Carolina;
and LIEUTENANT COLONEL JAMES
HESSEN, USMC, in his official
capacity as Base Magistrate/Traffic
Court Officer, Marine Corps Base,
Camp Lejeune, North Carolina,
Defendants.

JUDGMENT

No. 7:08-CV-185-H2

Decision by Court.

IT IS ORDERED, ADJUDGED AND DECREED Defendants' motion to dismiss or for summary judgment is DENIED. Plaintiff's motion for summary judgment is GRANTED. Defendants, their employees, agents and successors in office, are hereby permanently ENJOINED from enforcing Base Traffic Regulation BO 5560.2M, Chapter 2, ¶ 7 in a manner that discriminates against speech based on the viewpoint expressed and this case is closed.

This Judgment Filed and Entered on March 31, 2010, with service on:

Robert J. Muise (via CM/ECF Notice of Electronic Filing)

Walter H. Paramore, III (via CM/ECF Notice of Electronic Filing)

Edward D. Gray (via CM/ECF Notice of Electronic Filing)

March 31, 2010

DENNIS P. IAVARONE, CLERK

/s/ Lisa W. Lee

(By): Lisa W. Lee, Deputy Clerk